

Message Text

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EXCON

E.O. 11652: N/A

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SUBJECT: CONTROL PROCEDURES FOR CERN, GENEVA

1. FOLLOWING RECENT VISIT TO CERN BY EMBOFF AND J. F. KRATZ OF ERDA, COMMERCE OEA HAS REEXAMINED THE RECURRING PROBLEM OF SIMPLIFYING PROCEDURES FOR CERN.
2. PRIMARY PROBLEM WITH BOTH U.S. EXPORTS TO CERN AND REEXPORTS FROM CERN SEEMS TO BE OUR REQUIREMENT FOR A SWISS BLUE IMPORT CERTIFICATE. PART OF THE PROBLEM MAY BE DUE TO DELAYS IN THE ISSUANCE OF SWISS BLUE CERTIFICATES, SINCE U.S. EXPORT LICENSING PROCESS DOES NOT NORMALLY INVOLVE DELAYS EXCEPT FOR EAST EUROPEAN DESTINATIONS. FOR RE-EXPORTS, THE PROBLEM MAY BE DUE TO U.S. APPROVAL NOTIFICATION TO THE SWISS GOVERNMENT BEFORE THE REEXPORT SHIPMENT CAN BE MADE. COMMERCE IS WILLING TO REVISE ITS INTER-
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NAL REGULATIONS TO WAIVE THE SWISS BLUE REQUIREMENT FOR SHIPMENTS TO CERN. IN LIEU OF THE SWISS BLUE, COMMERCE WOULD ACCEPT FROM CERN A MULTIPLE TRANSACTIONS STATEMENT (FORM DIB-629) CONTAINING THE ESSENTIAL COMMITMENTS. IT SHOULD BE UNDERSTOOD THAT THIS COMMITS THE ENTIRE CERN ORGANIZATION, NOT JUST THE SIGNING OFFICIAL. ON THE FORM, OR AN ATTACHMENT THERETO, CERN WOULD BE REQUIRED TO LIST

THE FREE-WORLD MEMBER COUNTRIES TO WHICH REEXPORT MAY BE MADE.

3. COMMERCE IS NOT ABLE TO MODIFY PROCEDURES FOR RE-EXPORTS TO COMMUNIST OR EMBARGOED DESTINATIONS (COUNTRY GROUPS QSWYZ), BUT CAN OFFER LIBERALIZED PROCEDURES FOR REEXPORTS TO FREE-WORLD DESTINATIONS.

4. WHEN CERN IS BUYING FOR THE ACCOUNT OF ANOTHER PARTY WHO WILL USE THE EQUIPMENT IN EXPERIMENTS AT CERN, AND THE EQUIPMENT ULTIMATELY WILL BE REEXPORTED FROM SWITZERLAND TO THE OWNER IN COUNTRY GROUP T OR V, THIS FACT AND THE NAME AND ADDRESS OF THE OWNER SHOULD BE DISCLOSED ON THE ORIGINAL LICENSE APPLICATION SO REEXPORT AUTHORIZATION CAN BE INCLUDED ON THE LICENSE.

5. WHEN CERN IS PURCHASING EQUIPMENT FOR SHIPMENT TO A LOCATION OUTSIDE OF SWITZERLAND, BUT THE EQUIPMENT WILL BE REEXPORTED SOMETIME IN THE FUTURE TO THE CERN FACILITY IN SWITZERLAND, THIS SHOULD BE DISCLOSED ON THE ORIGINAL LICENSE APPLICATIONS SO REEXPORT AUTHORIZATION CAN BE INCLUDED ON THE LICENSE.

6. IF CERN CAN PROVIDE COMMERCE WITH ASSURANCES FROM THEIR PARTICIPATING LABS AND INSTITUTIONS IN MEMBER COUNTRIES, TO THE EFFECT THAT U.S. ORIGIN EQUIPMENT RECEIVED FROM CERN WILL NOT BE REEXPORTED EXCEPT TO OTHER PARTICIPATING LABS AND INSTITUTIONS IN MEMBER COUNTRIES, COMMERCE WILL PROVIDE A BLANKET AUTHORIZATION
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FOR CERN TO REEXPORT TO SUCH PARTICIPATING LABS AND INSTITUTIONS. THIS AUTHORIZATION WOULD APPLY ONLY TO THOSE U.S. ORIGIN PRODUCTS FOR WHICH NO SWISS BLUE WAS ISSUED; COMMERCE WOULD CONSIDER EXTENDING THE AUTHORIZATION TO REEXPORTS OF EQUIPMENT PREVIOUSLY SHIPPED TO CERN UNDER A SWISS BLUE IF CERN CAN PROVIDE A LISTING OF SUCH COMMODITIES AND SWISS BLUES SO COMMERCE CAN CLEAR WITH THE SWISS GOVERNMENT. THE AUTHORIZATION WOULD HAVE NO QUANTITY OR VALUE RESTRICTION, AND WOULD BE VALID FOR A TWO YEAR PERIOD, RENEWABLE UPON REQUEST BY CERN.

7. FOR CONSIGNEES IN COUNTRY GROUPS T AND V, OTHER THAN PARTICIPATING LABS AND INSTITUTIONS IN MEMBER COUNTRIES THAT HAVE GIVEN THE ASSURANCES SPECIFIED ABOVE, COMMERCE WOULD PERMIT INDIVIDUAL, SMALL VALUE SHIPMENTS, OF 500 DOLLARS OR LESS, WITHOUT AUTHORIZATION. CERN SHOULD ALSO BE REMINDED THAT FOR MANY COMMODITIES, LARGER VALUES MAY BE PERMITTED UNDER GENERAL LICENSE GLV.

8. ANY OTHER REEXPORTS OF U.S. ORIGIN EQUIPMENT BY CERN WOULD CONTINUE TO BE SUBJECT TO PRIOR COMMERCE APPROVAL ON A CASE-BY-CASE BASIS.

9. AS A CONDITION OF THE PROPOSED BLANKET REEXPORT APPROVAL, CERN WOULD BE REQUIRED TO SUBMIT QUARTERLY REPORTS OF REEXPORTS TO OEA, INCLUDING COMMODITY DESCRIPTION, QUANTITY, VALUE, DATE OF REEXPORT, NAME AND ADDRESS OF NEW CONSIGNEE, WHETHER THE REEXPORT IS TEMPORARY OR PERMANENT, AND THE ORIGINAL U.S. EXPORT LICENSE NUMBER (IF AVAILABLE).

10. SOME OF CERN'S U.S. SUPPLIERS USE THE DISTRIBUTION LICENSE OR WAREHOUSE PROCEDURE FOR THEIR SHIPMENTS OF ELIGIBLE COMMODITIES. TO THE EXTENT CERN CAN ENCOURAGE MORE SUPPLIERS TO USE THESE PROCEDURES, THIS SHOULD FURTHER SPEED THEIR SHIPMENTS BY ELIMINATING THE LICENSING

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PROCESS.

11. EMBASSY IS REQUESTED TO DISCUSS FOREGOING WITH CERN, AND SWISS OFFICIALS, AS APPROPRIATE, AND ADVISE RESULTS OF DISCUSSIONS. VANCE

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